

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the substitute specification, paragraph 0009 has been deleted and new paragraphs 0009-0012 have been added.

Claims 1-38, 42-43 were previously cancelled.

Claims 39-41 are requested to be cancelled.

Claims 44-82 were previously withdrawn.

Claims 83 to 97 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 83 to 95 (13 claims) are now pending in this application.

On page 2, paragraph 2 of the Office Action, the Examiner has maintained the restriction requirement separating the claims into two groups. As indicated above, Applicants have withdrawn claims 44-82, but reserve the right to file a divisional application.

On page 4, paragraph 3 of the Office Action, the Examiner has rejected claims 39-41 under 35 U.S.C. §103(a) as being unpatenable over Pulliam, et al (USPN: 6,609,108) in view of Brubaker (USPN: 4,719,361). The Examiner believes that Pulliam teaches a method of transferring data of a vehicle over the internet but does not specifically teach a “truck type of electronic traction vehicle”. The Examiner states that the method described in Pulliam is “generic and applicable to any and all vehicles, regardless of model, type or specific features”. Brubaker discloses a mobile, off-road, heavy duty haulage vehicle (see title). The Examiner believes that Brubaker discloses one of many known truck type electronic traction vehicles. The Examiner states that “one of ordinary skill in the art at the time of the invention would know how to modify the method of Pulliam in order to represent the specific attributes of the particular vehicle”.

Applicants have canceled claims 39-41 and have re-written those claims as new claims 83-86. Applicants have also written new claim sets 87-90, 91-93, and 94-97. Support for the new claim sets are in the specification as originally filed.

Applicants have prepared a substitute specification which adds new paragraph 0001 to cross reference that the present application is a divisional application of U.S. Patent Application Serial Number: 09/774,981 filed January 31, 2001 and is now USPN: 6,757,597. Applicants have also amended the Summary of Invention section of the present application by deleting the paragraph 0009 of the substitute specification relating to canceled claim 39 and have added paragraphs 0009-0012 as summaries of the new independent claims 83, 87, 91 and 94 respectively. Applicants submit that no new matter has been added to the present application. Applicants submit that the new method claim sets are to methods for communicating data representative of a vehicle having the specific characteristics and features covered in the above referenced issued patent.

As discussed below, Applicants respectfully traverse the Examiner's characterization of Pulliam as being generic and applicable to any and all vehicles and submits that the combination of Pulliam and Brubaker will not result in that which is disclosed and claimed in the present application and specifically in claims 83-97.

As best understood, Brubaker discloses a haulage vehicle and includes a computerized control center for monitoring and operating various systems and functions within the vehicle during its use (see Abstract). Further, the vehicle disclosed in Brubaker provides a rectified DC current that operated electric motors (see Figs. 3 and 10a). There is no teaching or suggestion that a "AC bus assembly is coupled to the principle power unit, power storage unit and electric motor through the driver controllers as required in the first clause of independent claim 83 of the present application. Applicants submit that there is no teaching or suggestion in Pulliam or Brubaker to combine those disclosures to obtain that which is disclosed and claimed in the present application.

On page 5, paragraphs 4 and 5 of the Office Action, the Examiner states that the Applicants' arguments filed on January 14, 2005 are not persuasive. In paragraph 4 the Examiner states that "truck type electronic traction vehicles have consumers as does any other product. Whether those consumers are the public at large or the government does not matter". In paragraph 5, the Examiner states that he disagrees with the Applicants' argument

that the information that is being obtained, entered and transmitted in the present application is for a specific type of truck type electronic traction vehicle.

In response, Applicants respectfully traverse the Examiner's assertion and submits that the Examiner has not provided any motivation for combining the Pulliam and Brubaker references. Specifically, the combination of the references have to be **based on a teaching, modification or suggestion in the references to combine them**. There is no such teaching in Pulliam or Brubaker. Pulliam discloses and teaches a consumer orientated system. Brubaker discloses and teaches a vehicle with no mention of networking information and does not have the specific requirements for the electric vehicle specifically required in independent claims 83, 87, 91, and 94 of the present application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

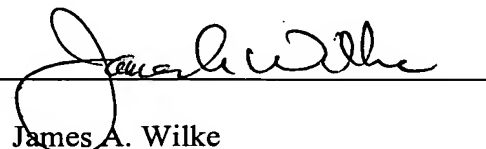
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 07-29-05

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5776
Facsimile: (414) 297-4900

By


James A. Wilke
Attorney for Applicant
Registration No. 34,279